



04-29-04

AF/ 2174

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/710,927  
Applicant: Dutta et al.  
Filing Date: 11/09/2000  
Group Art Unit: 2174  
Title: Apparatus and Method for Keeping Aggregated Portion of Multiple Web Sites Simultaneously Displayed and Updated

APPEAL BRIEF

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Technology Center 2100

Mail Stop Appeal Brief – Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Brief is support for the appeal in the above referenced application and is filed pursuant to the Notice of Appeal dated 3/16/2004. The Brief is submitted in triplicate.

The appeal brief fee of \$330 is to be charged to Deposit Account No. 09-0447 as indicated on the attached Fee Transmittal sheet.

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### **REAL PARTY IN INTEREST**

The real party in interest in the present application is the following party: International Business Machines Corporation.

### **RELATED APPEALS AND INTERFERENCES**

There are no appeals or interferences that will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

### **STATUS OF CLAIMS**

#### **A. Total Number of Claims in the Application**

Claims in the application are: 1-16

#### **B. Status of all Claims in the Application**

1. Claims canceled: None
2. Claims withdrawn from consideration but not canceled: None
3. Claims pending: 1-16
4. Claims allowed: None
5. Claims rejected: 1-16

#### **C. Claims on Appeal**

The claims on appeal are: 1-16

### **STATUS OF AMENDMENTS**

All of the amendments have been entered in the present case.

## **SUMMARY OF INVENTION**

The present invention is a GUI and software program that allows a user to create a new webpage from a plurality of existing webpages. The GUI comprises two sections: a split screen work area and a split screen canvas. The user invokes an existing webpage in the split screen work area. The user then identifies an item of interest (information item) on the existing webpage by drawing a circle around the information item. The present invention renders transparent the portion of the existing webpage that is outside of the circle. Rendering transparent means that the pixels of the webpage are stored in memory but not displayed on the screen. The user then drags the existing webpage over to the split screen canvas and invokes a second webpage in the split screen work area. The user repeats the procedure for the information unit in the second webpage and places the second webpage over the first webpage. Because the information items are visible and the remainder of the webpage is transparent, the user only sees the information items. The user can rearrange the webpages on the split screen canvas to place the information items in any position desired by the user. All of the pixels from the existing webpages are captured in the new webpage. Thus, if a user wants to subsequently modify the information items, the user does not have to access the existing webpages a second time.

## **ISSUES**

1. Does Kosaka et al. (Japanese Patent 11250054, hereinafter Kosaka) anticipate claims 4, 7-10, and 14-16 under 35 USC §102(b) by disclosing a multi-part Graphical User Interface (GUI) that allows a user to simultaneously view an existing webpage and a newly created webpage?
2. Do Kosaka et al. (Japanese Patent 11250054, hereinafter Kosaka) and Straznitskas

(Publication entitled “Mastering Photoshop 5 for the Web,” hereinafter Straznitskas) render claims 1-3, 5, 6, and 11-13 unpatentable under 35 USC §103(a) by teaching or suggesting the step of rendering a webpage transparent and the step of layering one webpage with another webpage?

3. Do Kosaka et al. (Japanese Patent 11250054, hereinafter Kosaka) and Straznitskas (Publication entitled “Mastering Photoshop 5 for the Web,” hereinafter Straznitskas) render claims 1-3, 5, 6, and 11-13 unpatentable under 35 USC §103(a) by teaching or suggesting a multi-part Graphical User Interface (GUI) that allows a user to simultaneously view an existing webpage and a newly created webpage?

### **GROUPING OF CLAIMS**

Appellants expressly state that the claims do not all stand or fall together, for the reasons stated herein. For purposes of this appeal, the appellants have divided the claims into the following groups, the claims within each group being deemed to stand or fall together. However, in the event that new references are cited or new arguments advanced for rejection of the claims, appellants reserve the right to argue that additional claims do not stand or fall together.

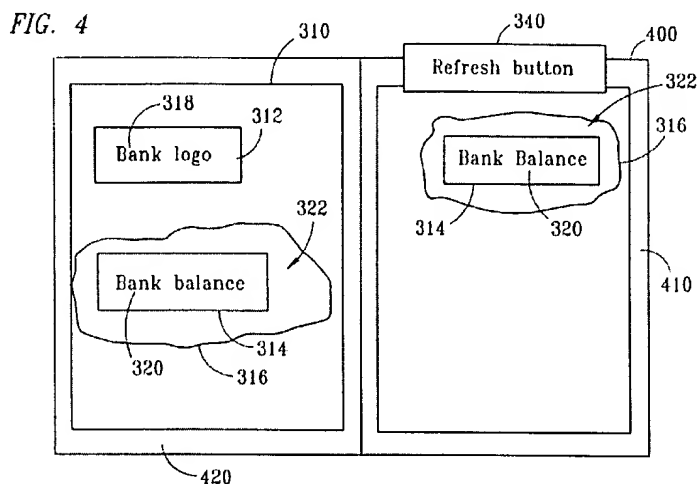
Group I:        Claims 3-16

Group II:       Claims 1-2

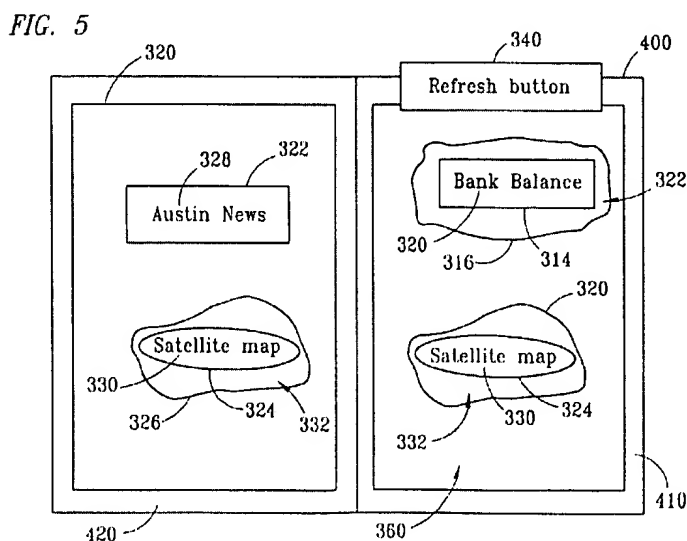
## ARGUMENTS

**1. Kosaka does not anticipate claims 4, 7-10, and 14-16 under §102(b) because Kosaka does not disclose a multi-part graphical user interface (GUI) that allows the user to simultaneously view the existing webpage and the newly created webpage.**

The present invention discloses a multi-part GUI comprising a split screen work area and a split screen canvas. The split screen work area 420 and the split screen canvas 410 are shown below in Figures 4 and 5 of U.S. Patent Application 09/710,927, (hereinafter Application).



Application, Figure 4



Application, Figure 5

As can be seen above, the present invention's multi-part GUI comprises a split screen work area 420 and a split screen canvas 410. The split screen work area 420 and the split screen canvas 410 allow the user to see the new webpage 360 that the user is creating while simultaneously viewing existing webpages (310 in Figure 4, 320 in Figure 5). The user creates the new webpage (canvas webpage 360) by invoking a first existing webpage 310 into the split screen work area 420. The user then identifies the desired information items 322 of the first existing webpage 310 and renders the first existing webpage remainder transparent. After rendering the first existing webpage remainder transparent, the user copies the first existing webpage 310 (now comprising visible and transparent sections) onto the split screen canvas 410. The user then invokes a second existing webpage 320 into the split screen work area 420, identifies the desired information items 332 of second existing webpage 320, renders the remainder of the second existing webpage transparent, and copies the entire second existing webpage (now comprising visible and transparent sections) to the split screen canvas 410. Thus, the user can see the development of the newly created webpage as the user identifies information items in the existing webpages, renders the remainder of the existing webpages transparent, and adds the existing webpages to the newly created webpage.

Claim 4 reads:

4. A method for aggregating multiple information items on a display screen of a computer connected to the internet comprising the steps of:

displaying a multi-part graphical user interface (GUI) comprising a split screen work area and a split screen canvas;

...

wherein a user can simultaneously view the canvas web page and the first web page on the GUI.

The Examiner rejected claims 4, 7-10, and 14-16 under §102(b) as being anticipated by Kosaka et al. (USPTO translation of Japanese Patent 11250054, hereinafter Kosaka). As to the underlined portions above, the Examiner stated:

As per claim 4, Kosaka teaches a method for aggregating multiple information items on a display screen of a computer connected to the internet comprising the steps of:

displaying a multi-part graphical user interface (GUI) comprising a split screen work area and a split screen canvas (page 13, paragraph[s] 2, 3, and 4);

...

wherein a user can simultaneously view the canvas web page and the first web page on the GUI (Figure 7). Office Action dated 12/18/2003, p. 2-3.

The Examiner states that Kosaka, page 13, paragraphs 2-4 disclose a multi-part GUI. Kosaka, page 13, paragraphs 2-4 are shown below.

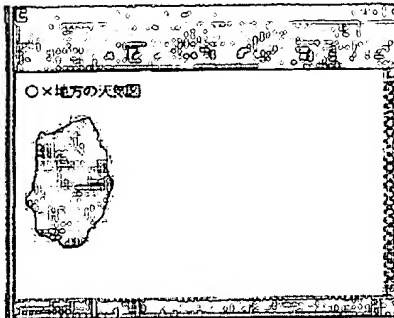
In Step S22, object extraction editor (4) in Figure 9 reads the two Web pages show in Figures 5 and 6, and in Step S23, it divides the Web pages into objects. HTML analysis engine (11) analyzes these following the rules in analysis rules DB (12). Figure 16 is a diagram showing the table contents of analysis rules DB (12). Following the analysis rules stored in the analysis rules DB in Figure 16, HTML analysis engine (11) divides objects into “graphics” parts as (231) in Figure 17 and “table” parts as (233) in Figure 18. In this example, Figures 17 and 18 are diagrams showing the sources for the original Web pages in Figures [sic] 5 offering weather information and Figure 6 offering lodging information.

Analysis rules DB (12) in Figure 16 is comprised of the object type, header anchor tag, and footer anchor tag. In the case of object type (223) in Figure 16, a header anchor tag such as “<p><image src=” (224) and a footer anchor tag “></p>” such as (225) are stored in analysis rules DB in Figure 16. In the case of table object type (226), a header anchor tag such as “<table” (227) and a footer anchor tag such as “<table>” (228) are stored. The above-mentioned “<p><image src=” (224) and “></p>” (225) correspond to (231) in Figure 17, and the above mentioned “<table” (227) and “<table>” (228) correspond to (235) and (234) within (233) in Figure 18.

In Step S24, the divided object is sent to object package part (13). In step S25, the user revises the weather map in object package part (13) to one object called “Weather Map of OX Region”, and likewise revises the lodging reservation table to one object called “Lodging Reservation Status” (232). In Step S26, the user checks whether the dividing method is correct. If the dividing method is correct, the Web page is sent to Web page generation editor (5) shown in Figure 10. Kosaka, p. 13, paragraphs 2-4.

Kosaka's figures 5, 6, and 7 are also shown below:

【図5】



【図6】

Oxスキー場予約システム

ごあいさつ  
ようこそ。

宿の予約状況

予約/日時	12月13日	12月14日
Oxロッジ	△	○
Ox12号	△	○
Oxペンション	×	△

スキーーロメモ  
スキーは図で示すものです。▶

【図7】

Oxスキー場予約システム

Ox地方の天気図

宿の予約状況

予約/日時	12月13日	12月14日
Oxロッジ	△	○
Ox12号	△	○
Oxペンション	×	△

Kosaka, Figure 5

Kosaka, Figure 6

Kosaka, Figure 7

The requirements for anticipation under §102 are well established:

For a prior art reference to anticipate in terms of 35 USC § 102, every element of the claimed invention must be identically shown in a single reference. These elements must be arranged as in the claim under review. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990).

Thus, in order for Kosaka to anticipate the claims, Kosaka must identically show all of the elements in the claim. If Kosaka fails to show a multi-part graphical user interface (GUI) that allows the user to simultaneously view the existing webpage and the newly created webpage, then Kosaka cannot anticipate claims 4, 7-10, and 14-16 of the present invention.

Kosaka does not anticipate claims 4, 7-10, and 14-16 because Kosaka does not show a multi-part GUI that allows the user to simultaneously view the existing webpage and the newly created webpage. Kosaka discloses a first existing webpage in figure 5 and a second existing webpage in figure 6. Kosaka discloses the newly created webpage in figure 7. Kosaka does not use a GUI, multi-part or otherwise, to create the new webpage. Instead, Kosaka creates the new webpage by extracting objects from the existing webpage and inserting only the extracted objects



into the new webpage. Kosaka's method is not GUI based, and thus Kosaka does not need a GUI, multi-part or otherwise, to create the new webpage. Likewise, Kosaka does not disclose a GUI that allows the user to simultaneously view an existing webpage and a newly created webpage because Kosaka's method is not GUI based. Thus, Kosaka does not anticipate the claims of group I because Kosaka does not disclose a multi-part GUI that allows the user to simultaneously view the existing webpage and the newly created webpage.

The claims of group I recite the differences between the present invention and Kosaka. The differences are recited in the limitations: "displaying a multi-part graphical user interface (GUI) comprising a split screen work area and a split screen canvas" and "wherein a user can simultaneously view the canvas web page and the first web page on the GUI." Kosaka does not disclose these limitations. Because the claims of group I recite limitations not shown by Kosaka, Kosaka does not anticipate the claims of group I under §102(b) and the claims of group I should be allowed.

**2. The Examiner's rejection of claims 1-3, 5, 6, and 11-13 under §103(a) as being unpatentable over Kosaka in view of Straznitskas is not well founded because the Examiner has not made out a *prima facie* case of obviousness.**

The obviousness rejection is not well founded because the Examiner has not established a *prima facie* case of obviousness. The requirements for a *prima facie* case of obviousness are well defined:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable

expectation of success must both be found in the prior art and not based on applicant's disclosure. MPEP §706.02(j) citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis ours).

Similarly, the fact that the Examiner has the burden of proof with respect to the elements of the *prima facie* case of obviousness is also well defined:

To reject claims in an application under section 103, an examiner must show an un rebutted *prima facie* case of obviousness. In the absence of a proper *prima facie* case of obviousness, an applicant who complies with the other statutory requirements is entitled to a patent. *In re Rouffet*, 149 F.3d 1350, 1355, 47 USPQ2d 1453, 1457 (Fed. Cir. 1998).

With respect to claims 1-3, 5, 6, and 11-13, the Examiner has not met his burden of presenting the *prima facie* case with respect to the third prong of the obviousness test because the prior art does not teach or suggest the claimed limitations.

**A. The Examiner has not met his burden of presenting the *prima facie* case with respect to the third prong of the obviousness test because Kosaka and Straznitskas do not teach or suggest the rendering or layering steps.**

Claim 1 reads:

1. A method for display of one or more information items comprising the steps of:

...

rendering said first web page remainder transparent;  
wherein the first web page is layered with a second web page comprising a second information unit and a second web page remainder; and  
wherein the first information unit and the second information unit are visible through the transparent first web page remainder.

The Examiner rejected claims 1-3, 5, 6, and 11-13 under §103(a) as being unpatentable over Kosaka in view of Straznitskas ("Mastering Photoshop 5 for the Web," hereinafter Straznitskas). As to the underlined portions above, the Examiner stated:

As per claim 1, Kosaka [discloses] a method for display[ing] one or more information items comprising the steps of:

rendering said first web page remainder transparent (page 13, paragraph[s] 2, 3, and 4);

wherein the first web page is layered with a second web page comprising a second information unit and a second web page remainder (figure 6, item c, figure 7, item c); and

wherein the first information unit and the second information unit are visible through the transparent first web page remainder [no support given for rejection]. Office Action dated 12/18/2003, p. 7.

Kosaka page 13, paragraphs 2, 3, and 4 and figure 7 are cited in section 1 above. Kosaka, figure 6 is shown below:

Claim 1 recites the limitations “rendering said first web page remainder transparent; wherein the first web page is layered with a second web page comprising a second information unit and a second web page remainder.” Straznitskas does not teach or suggest either of these claim limitations nor does the Examiner rely on Straznitskas in his rejection of the cited section of claim 1. Thus, in order to make out a *prima facie* case of obviousness, Kosaka must teach or suggest the rendering of the first web page remainder transparent and layering of the first webpage with the second webpage.

The Examiner takes the position that Kosaka page 13, paragraphs 2, 3, and 4 teaches the limitation “rendering said first web page remainder transparent.” Kosaka does not render any portion of the existing webpages transparent. Instead, Kosaka divides each of the existing webpages into elements. *See* Kosaka, page 13, paragraph 2. Kosaka then extracts the desired elements and combines the extracted elements to create the new webpage. *See* Kosaka, page 13, paragraph 4. In doing so, Kosaka does not carry forward the pixels for the unused portion of the webpage. In other words, Kosaka’s webpage remainder is not transparent – it is completely absent. Thus, Kosaka does not teach or suggest the limitation “rendering said first web page remainder transparent.”

The Examiner takes the position that Kosaka, FIG. 6, item c, and FIG. 7, item c, teaches the claim limitation “wherein the first web page is layered with a second web page comprising a second information unit and a second web page remainder.” With the present invention, the entire existing webpages are layered in the new webpage and, thus, the existing webpages’ pixels are present in the new webpage. By contrast, Kosaka does not teach or suggest the layering of two existing webpages to create a new webpage. Instead, Kosaka discloses the creation of the new webpage by extracting specific elements from each of the two existing webpages. *See* Kosaka, figures 6 and 7 and pages 12-13. Only the extracted portions of pixels from the existing webpages are present in the new webpage. The unextracted portions of pixels are not present in the new webpage. Thus, Kosaka does not layer the webpage, but rather assembles pieces from the two webpages together into a new webpage containing only a single layer. Thus, Kosaka does not teach or suggest the limitation “wherein the first web page is layered with a second web page comprising a second information unit and a second web page remainder.”

**B. The Examiner has not met his burden of presenting the *prima facie* case with respect to the third prong of the obviousness test because Kosaka and Straznitskas do not teach or suggest displaying a multi-part GUI that allows the user to simultaneously view the original webpage and the webpage that the user is creating .**

Claim 13 reads:

13. A computer readable memory for display and simultaneous update of multiple information units comprising:

...

to display a multi-part graphical user interface (GUI) comprising a split screen work area and a split screen canvas;

...

wherein a user can simultaneously view the split screen work area and the split screen canvas; and

wherein said program is adapted for dragging of said first information unit and said second information unit by a user, so that responsive to said dragging, said program positions said first information unit on said canvas web page and

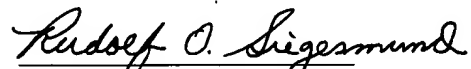
positions said second information unit on said canvas web page so that said canvas web page is visible through said first remainder and said second remainder and said first information unit is visible through said second remainder.

Claim 13 recites the limitation “displaying a multi-part graphical user interface (GUI) comprising a split screen work area and a split screen canvas.” As explained in section 1 above, Kosaka does not disclose a multi-part GUI to assist the user in creating the new webpage from the existing webpages. Thus, Kosaka does not teach or suggest a multi-part GUI comprising a split screen work area and a split screen canvas that allows the user to simultaneously view the existing webpage in the split screen work area and the newly created webpage in the split screen canvas.

As previously stated above, in order to establish a *prima facie* case of obviousness, the references must teach or suggest every claim limitation. Straznitskas does not teach or suggest either of these claim limitations nor does the Examiner rely on Straznitskas in his rejection of the cited section of claim 13. Kosaka does not teach or suggest the rendering of a first web page remainder transparent. Kosaka also does not teach or suggest the layering of two webpages to create a third webpage. Kosaka also does not teach or suggest a multi-part GUI comprising a split screen work area and a split screen canvas. Because the prior art does not teach or suggest all of the claimed limitations, the Examiner has not established a *prima facie* case of obviousness under §103(a) and the claims of groups I and II should be allowed.

For the foregoing reasons, the Applicant submits that the claims of the present application are not fairly taught by and are not obvious in light of, any of the references of record taken either alone or in combination. Therefore, allowance of the present application is in order, and is requested.

Respectfully submitted,



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Rudolf O. Siegesmund

## **APPENDIX**

The text of the claims involved in the appeal is:

1. A method for display of one or more information items comprising the steps of:

invoking a first web page;

identifying a first information unit by creating a continuous line around a first information item on said web page so that said web page is divided into said first information unit and a first web page remainder;

rendering said first web page remainder transparent;

wherein the first web page is layered with a second web page comprising a second information unit and a second web page remainder; and

wherein the first information unit and the second information unit are visible through the transparent first web page remainder.

2. The method of claim 1 further comprising:

invoking the second web page;

identifying the second information unit by creating a continuous line around a second information item on said second web page so that said second web page is divided into said second information unit and a second web page remainder;

rendering said second web page remainder transparent;

positioning said second information unit relative to said first information unit by dragging; and

wherein the first information unit and the second information unit are visible through the transparent second web page remainder.

3. The method of claim 1 further comprising:

- displaying a multi-part graphical user interface (GUI) comprising a split screen work area and a split screen canvas;
- dragging said first information unit to a canvas web page;
- positioning said first information unit on the canvas web page;
- wherein the canvas web page is located on the split screen canvas; and
- wherein the first web page is located on the split screen work area.

4. A method for aggregating multiple information items on a display screen of a computer connected to the internet comprising the steps of:

- displaying a multi-part graphical user interface (GUI) comprising a split screen work area and a split screen canvas;
- invoking a canvas web page in the split screen canvas;
- invoking a first web page in the split screen work area;
- identifying a first information unit on said first web page so that said first web page is divided into said first information unit and a first web page remainder;
- rendering said first web page remainder transparent;
- invoking a second web page;
- identifying a second information unit on said second web page so that said second web page is divided into said second information unit and a second web page remainder;
- rendering said second web page remainder transparent; and



wherein a user can simultaneously view the canvas web page and the first web page on the GUI.

5. The method of claim 4 further comprising dragging said first information unit to said canvas web page and positioning said first information unit on the canvas web page.
6. The method of claim 4 further comprising dragging the second information unit to said canvas web page and positioning the second information unit on the canvas web page.
7. The method of claim 4 further comprising saving said canvas web page, said first information unit, and said second information unit as a composite web page.
8. The method of claim 4 further comprising: updating said first information unit.
9. The method of claim 4 further comprising: updating said second information unit.
10. A programmable apparatus for display and simultaneous update of multiple information units comprising,  
programmable hardware comprising;  
a computer connected to a network;  
a display screen connected to said computer;  
a program installed on said computer;  
wherein responsive to said program contains instructions comprising:

instructions for displaying a multi-part graphical user interface (GUI) comprising a split screen work area and a split screen canvas;

instructions for invoking a canvas web page in the split screen canvas;

instructions for invoking a first web page in the split screen work area;

wherein a user can simultaneously view the split screen work area and the split screen canvas;

wherein an information unit is identified on the first web page;

wherein said information unit is moved to the canvas web page

wherein the first web page is layered with a second web page on the canvas web page, the second web page comprising a second information unit and a second web page remainder;

wherein the first web page remainder and the second web page remainder are rendered transparent; and

wherein the first information unit and the second information unit are visible through the transparent first web page remainder and the transparent second web page remainder.

11. The programmable apparatus of claim 10 wherein said information unit is identified by creating a continuous line around the information item on said web page so that said web page is divided into said information unit and a remainder; and said remainder is rendered transparent.
12. The programmable apparatus of claim 10 wherein a second web page is acquired from said network and a second information unit is identified from the second web page;

wherein a first web page remainder of said first web page is rendered transparent;

wherein a second web page remainder of said second web page is rendered transparent;

wherein said first information unit is positioned on said canvas web page and said second information unit is positioned on said canvas web page so that said canvas web page is visible through said first web page remainder and said second web page remainder; and

wherein said first information unit is visible through said second web page remainder.

13. A computer readable memory for display and simultaneous update of multiple information units comprising:

a computer readable storage medium;

a computer program stored in said storage medium;

the storage medium, so configured by said computer program, causes the computer;

to display a multi-part graphical user interface (GUI) comprising a split screen work area and a split screen canvas;

to invoke a canvas web page in the split screen canvas;

instructions for invoking a first web page in the split screen work area;

to acquire a web page from said network and display said web page in a display screen;

to identify an information unit on the web page;

to position said information unit on a canvas web page;

to acquire from said network a second web page;

to identify a second information unit on the second web page;

to cause a first remainder of said first web page to be transparent;  
to cause a second remainder of said second web page to be transparent;  
wherein a user can simultaneously view the split screen work area and the  
split screen canvas; and

wherein said program is adapted for dragging of said first information unit and  
said second information unit by a user, so that responsive to said dragging, said  
program positions said first information unit on said canvas web page and positions  
said second information unit on said canvas web page so that said canvas web page is  
visible through said first remainder and said second remainder and said first  
information unit is visible through said second remainder.

14. A computer implemented process to display and simultaneously update multiple information  
units comprising:

using a computer, performing the following series of steps:

connecting said computer to at least one network;

displaying a multi-part graphical user interface (GUI) comprising a split screen work  
area and a split screen canvas;

invoking a canvas web page in the split screen canvas;

invoking a first web page in the split screen work area;

wherein a user can simultaneously view the split screen work area and the split screen  
canvas;

acquiring data in a data level;

displaying said data levels in a display frame in the first web page;

identifying a first information unit on said first web page.

15. The computer implemented process of claim 14 further comprising: using a computer, updating said data level.

16. The computer implemented process of claim 14 further comprising:

using a computer performing the following steps,

invoking a canvas web page;

positioning said first information unit on said canvas;

invoking a second web page;

identifying a second information unit on said second web page; and

positioning said second information unit on said canvas web page.